

CHRISTINA V. KAZHE (BAR No. 192158)
JOHN NYHAN (BAR No. 51257)
ROSE WECKENMANN (BAR No. 248207)
FREDERICKS PEEBLES & MORGAN LLP
1001 Second Street
Sacramento, California 95814
Telephone: (916) 441-2700
Facsimile: (916) 441-2067
Email: jnyhan@ndnlaw.com

Attorneys for Plaintiffs-in-Intervention,
WILTON MIWOK RANCHERIA,
ITS MEMBERS; and DOROTHY ANDREWS

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

ME-WUK INDIAN COMMUNITY OF THE WILTON RANCHERIA,

Plaintiffs,

V.

DIRK KEMPTHORNE,
In his official capacity as Secretary of the Interior,

Defendants.

Case No. C 07-05706 (WHA)

**DECLARATION OF JOHN NYHAN IN
SUPPORT OF ADMINISTRATIVE
MOTION TO REQUEST THAT CASES
BE RELATED**

WILTON MIWOK RANCHERIA, a formerly federally-recognized Indian tribe, and ITS MEMBERS, and DOROTHY ANDREWS,

Plaintiffs-in-Intervention.

I, JOHN NYHAN, declare as follows:

1. I am a member of the Bar of this Court and Of Counsel with the law firm of Fredericks Peebles & Morgan LLP and one of the counsel representing the Plaintiffs-in-Intervention in this action and submit this Declaration in Support of Plaintiff's Administrative Motion to Request That Cases Be Related. My firm and I also represent plaintiffs in *Wilton Miwok Rancheria, et al. v. Dirk Kempthorne*,

et al. I am informed of and believe the following, and if called upon I could and would competently testify as follows:

2. On October 24, 2007, the Honorable Royce C. Lamberth issued a Memorandum Opinion in this action in which he indicated his intent to grant both the Motion to Intervene and the Motion to Transfer to the Northern District of California, filed by the Plaintiffs-in-Intervention, Wilton Miwok Rancheria, its members, and Dorothy Andrews. *See* Memorandum Opinion (Oct. 24, 2007), *Me-Wuk Indian Community v. Kempthorne*, Case No. 1:07-CV-00412 (RCL) (a true and correct copy of the Memorandum Opinion is attached hereto as Exhibit A).

3. On October 24, 2007, the Honorable Royce C. Lamberth issued an Order in which he granted the Motion to Intervene and the Motion to Transfer to the Northern District of California, filed by the Plaintiffs-in-Intervention. *See Order* (Oct. 24, 2007), *Me-Wuk Indian Community v. Kempthorne*, Case No. 1:07-CV-00412 (RCL) (a true and correct copy of the Order is attached hereto as Exhibit B).

4. This action is related to *Wilton Miwok Rancheria v. Kempthorne, et al.*, No. CV-072681 JF, filed in this Court on May 21, 2007, pending before the Honorable Jeremy Fogel. For the reasons set forth in the Administrative Motion to Request That Cases Be Related, filed concurrently herewith, this case should be related to that pending action.

I declare that the under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 20th day of November 2007, at Sacramento, California.

John Nyhan